

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Stephanie Booker,

Case No. 3:22-cv-1233

Plaintiff,

v.

ORDER

Board of Education of Toledo
City School District,

Defendant.

Plaintiff Stephanie Booker has filed a motion to proceed on appeal without prepaying the appellate filing fee. (Doc. No. 21). She seeks to argue that I erred in dismissing her claims pursuant to Federal Rule of Civil Procedure 56. (*See* Doc. No. 16).

Section 1915 provides “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). A court may grant a motion to proceed in forma pauperis if the issues are arguable on their merits, even if the petitioner cannot show a probability of success on the merits. *See, e.g., Foster v. Ludwick*, 208 F. Supp. 2d 750, 765 (E.D. Mich. 2002). I conclude the issues Booker raises are not frivolous, even if she is unlikely to succeed on appeal. Further, I conclude she has remedied the lack of clarity as to her financial status in her original motion. (*See* Doc. Nos. 19 and 20). Therefore, I grant her motion to proceed in forma pauperis on appeal. (Doc. No. 21). I deny her first motion, (Doc. No. 19), as moot.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge